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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 AMERICAN GUARANTEE AND
11 LAIBILITY INSURANCE COMPANY,

12 Plaintiff,

13 v.

14 FLANGAS MMILLAN LAW GROUP,
15 INC., *et al.*,

16 Defendants.

Case No. 2:11-CV-00188-KJD-RJJ

ORDER

17 Presently before the Court is Defendant Flangas McMillan Law Group, Inc.'s Motion to
18 Extend Time (#25). Plaintiff filed a response in opposition (#28) to which Defendant replied (#29).
19 Originally, Defendant sought an extension from June 13, 2011 to June 28, 2011 to file its oppositions
20 to Plaintiff's motion for partial summary judgment and motion to dismiss. Briefing on the extension
21 was completed by June 27, 2011. However, due to a clerical error, a non-public, court only notation
22 was made in the record on June 21, 2011, terminating the pending motion. Despite this error which
23 made it appear on the court's docket that the motion had been ruled on, Plaintiff filed Notices
24 (#30/38) of Defendant's failure to oppose the pending motions to dismiss and for partial summary
25 judgment on July 6, 2011 and August 22, 2011. Defendant has still failed to file any response to the
26 motions.

1 Federal Rule of Civil Procedure 6 (b) allows a court to accept a late filing when the failure to
2 act timely is the result of excusable neglect. Late filings caused by inadvertence, mistake or
3 carelessness are permitted under the Rule with approval of the court. See Pioneer Inv. Servs. Co. v.
4 Brunswick Assocs. Ltd. Partnership, 507 U.S. 380, 388 (1993). While the Court may have been
5 inclined to accept a late filing or grant Defendant's request for a short extension, Defendant has now
6 exceeded its original request by three months. The mere filing of a request to make a late filing is
7 typically accompanied by the document that the party seeks leave to file later, or pending a ruling by
8 the court, the party files the late briefing within the time requested. Though failing to file any
9 response, Defendant did find the time to file a motion to abstain or stay. This adds credence to
10 Plaintiff's argument that Defendant never intended to oppose the motions, but merely sought to delay
11 their resolution, in order to file the motion to abstain.

12 Accordingly, Defendant has only shown good cause to file its response to the motions no later
13 than June 28, 2011. Therefore, to the extent that Defendant sought leave to file the responses in
14 opposition later than June 28, 2011, Defendant's Motion for an Extension (#25) is **DENIED**.

15 || IT IS SO ORDERED.

16 DATED this 5th day of October 2011.


Kent J. Dawson
United States District Judge